IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 1679 of 2005

Between:

Smt.K.Lakshmi, w/o Anjaneya,
Chinnakadabur (V), Peddakadabur (M), Kurnool District.

..... PETITIONER

AND

1 The District Collector (CS), Kurnool, Kurnool District.
2 The Joint Collector, Kurnool, Kurnool District.
3 The Revenue Divisional Officer, Adoni Division, Kurnool District.
4 The Mandal Revenue Officer, Peddakadabur Mandal,

Peddakadabur, Kurnool District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus directing the 1st respondent to pass appropriate orders in the appeal by the petitioner against the proceedings of the 2nd respondent vide Rc.No.CS3/345/2004, dt.27-12-2004, consequently directing the respondents not to give effect to the proceedings in Rc.No.780/2004, dt.30-7-2004 of the 2nd respondent, pending enquiry against the petitioner.

Counsel for the Petitioner:MR.G.JAGADEESWAR

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

The authorization of the petitioner as a Fair Price Shop Dealer, was suspended by the third respondent through his order dated 30-07-2004. Aggrieved thereby, she preferred an appeal before the second respondent and filed an application for stay. Alleging that the second respondent has not disposed of the application for stay, she filed WP.No.15622 of 2004. The Writ Petition was disposed of on 01-09-2004 directing that the second respondent shall dispose of the appeal expeditiously and in the meanwhile, the petitioner shall be entitled to function as a Fair Price Shop Dealer. Ultimately, the second respondent passed an order dated 27-12-2004 dismissing the appeal. He directed the third respondent to conclude the proceedings against the petitioner expeditiously. The petitioner filed a revision before the first respondent together with an application for stay. Alleging that no orders have been passed therein, she approached this Court by filing this writ petition.

Heard the learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

On the basis of the orders passed by this Court in WP.No.15622 of 2004, dated 01-09-2004, the petitioner is continuing as a Fair Price Shop Dealer pending the disposal of the appeal. The second respondent has undertaken extensive discussion in the appeal and ultimately, dismissed the same. However, he directed the third respondent to conclude the proceedings expeditiously. It is not pointed out that any prejudice was caused either to the cardholders or to the Department on account of permitting the petitioner to function ever since September, 2004. No prejudice, as such, would be caused in case she is permitted to function for few

more weeks, till the third respondent disposes of the proceedings. In fact, but for the pendency of the appeal, the third respondent would have concluded the proceedings by now.

For the foregoing reasons, the writ petition is disposed of directing that the petitioner shall be entitled to function as a Fair Price Shop dealer till the third respondent concludes the proceedings against the petitioner. The third respondent shall expedite the proceedings and pass appropriate orders within four (4) weeks from today. In view of this, the revision preferred by the petitioner before the first respondent becomes infructuous and no orders need to be passed therein. No costs.

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(L.NARASIMHA REDDY, J)

4th FEBRUARY, 2005.

Note: furnish c.c. in three days.

B/o

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To

1 The District Collector (CS), Kurnool, Kurnool District.
2 The Joint Collector, Kurnool, Kurnool District.
3 The Revenue Divisional Officer, Adoni Division, Kurnool District.
4 The Mandal Revenue Officer, Peddakadabur Mandal,

Peddakadabur, Kurnool District.

5 Two CCs to the Government Pleader for Civil Supplies, A.P.High Court Buildings, Hyderabad (OUT).

6 Two CD copies.